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Attorney of Record

PATENT

Docket No. 670715.90029

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Duchow
Appl. No: 09/682,876
Filed: October 26, 2001
For: SYSTEM AND METHOD FOR PROVIDING
ELECTRONIC VOUCHERS
Art Unit: 3622
Examiner: J. Myhre

Declaration of Mark R. Duchow

Under 37 C.F.R. 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Mark R. Duchow, declare and state as follows:

1. I am the inventor of this patent application.
2. I understand that the U.S. Patent and Trademark Office has rejected my patent application because the differences between my claimed invention and the prior art are said by the Examiner to be obvious.
3. I understand my claimed invention to cover the concepts of providing at least one screen display to the prospective customer through the Internet to allow the

prospective customer to select only one product of one producer;

receiving the selection of the only one product of the one producer from the prospective customer through the Internet at the website;

only after receiving the only one product selection from the prospective customer and before displaying any amount of any purchase incentive to the prospective customer,

providing a screen display to the prospective customer which requests the prospective customer to enter personal contact information and a postal address code;

receiving the personal contact information and the postal address code corresponding to the product selection from the prospective customer through the Internet at the website;

only after the website receiving the only one product selection and the personal contact information and the postal address code from the prospective customer,

the website selecting only one reseller from a plurality of available resellers based on the product selection and based on the postal address code being within, or closest to, a pre-defined marketing territory of the reseller;

the website then generating a voucher having a time limit for redemption and having a producer's purchase incentive on the purchase of the only one selected product at the only one selected reseller; and

communicating the voucher for the only one selected product to at least one of the prospective customer and the selected reseller over the Internet.

4. My invention has been commercially successful in being licensed, in being used to sell a substantial dollar volume of products and in being copied by others, as

previously established in the record of this patent application.

5. The invention has been commercially successful for many reasons other than the sole fact of the amount of cash back incentive offered to the customer.

6. It has been successful for businesses having pre-defined primary marketing areas as outlined in paragraphs [0001]-[0012] of this patent application.

7. The invention is successful because there is marketing psychology involved with each step. The state of mind of the user on the site is considered at every phase.

8. The user is shown a listing of products available. A choice of make and model is offered. Having a choice is important to consumers because everyone has individual needs. No one likes to feel they are being "force-fed" a selection. Consumers are allowed to make their own decision on the type of product they desire, but they must choose one, and only one to continue the process.

9. Users are not asked to provide any personal contact information such as a name and mailing address or an e-mail address to access the site or to select a product. Providing personal contact information is a deterrent for many, and the system is designed to encourage use, not cause people to shy away. Personal contact information is obtained later in the process, after the user has become involved with the site.

10. Forcing the selection of make and model involves the user in the process. The user is forced to think, and make decisions about the type of product they wish to purchase. The time a consumer invests becomes equity, and makes it more likely they will complete the next task, which is entering personal contact information, such as name and address or e-mail address, and a zip code.

11. Curiosity also plays an important role. While the consumer has been involved in the site, receiving

product data, making purchase choices, they have not been told the selling price of the product selected, or the amount of the cash discount being offered. These are important facts to know, and to receive the information, personal contact information must be provided. The time invested in making decisions, and curiosity about what waits in the end, compel the consumer to enter the information.

12. Through the invention, the user is informed that he or she can receive an exclusive offer by following the instructions on the page to enter his or her personal contact information. In my experience in marketing products, I have observed that cash discounts have the greatest appeal. Consumers are excited about cash discounts, but this is not the only factor in making a sale. A consumer would not be as excited about entering personal contact information before shopping for a product and being offered a cash discount.

13. All of the information provided by the user: selected make, chosen model, personal contact information and zip code, is stored by the system. The user is unaware of this at the time he provides it, but the data is kept and revealed in summary on the voucher the user is now ready to receive.

14. The voucher is sent via email. Once received, the consumer is finally shown the value of the purchase incentive. This is shown next to the product selections the user made. The purchase incentive has a definite value, but the purchase price of the product the consumer has chosen is still unknown. The product selected has yet to be seen, other than in a photograph. Both the product viewing, and the revelation of the selling price, are available only at the reseller's showroom. The address of the reseller is provided on the voucher, and an expiration date for redeeming the voucher is shown. The consumer has

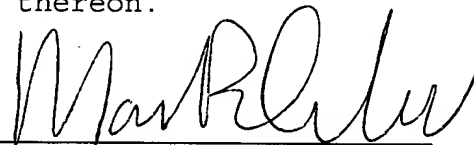
all the information necessary to take the last step, and because of the time invested (the equity) and the important unknowns, a percentage of the consumers will take their vouchers to the showroom.

15. When the consumer visits the reseller, the consumer has already selected the product the consumer wishes to purchase, and has an incentive in hand which serves as a reason to buy now, rather than at a later time.

16. I have reviewed many of the prior art references cited by the Examiner in this application and as far as I can see, none of the prior art, to my knowledge, discloses or suggests taking these steps for the reasons I have stated above.

17. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: AUGUST 11, 2004


Mark R. Duchow